

BOARD OF COMMISSIONERS

JANICE VAN NISS, CHAIR & CEO
TUWANYA C. SMITH, COMMISSIONER POST I
DR. DOREEN WILLIAMS, COMMISSIONER POST II



DEPARTMENT OF PLANNING & DEVELOPMENT

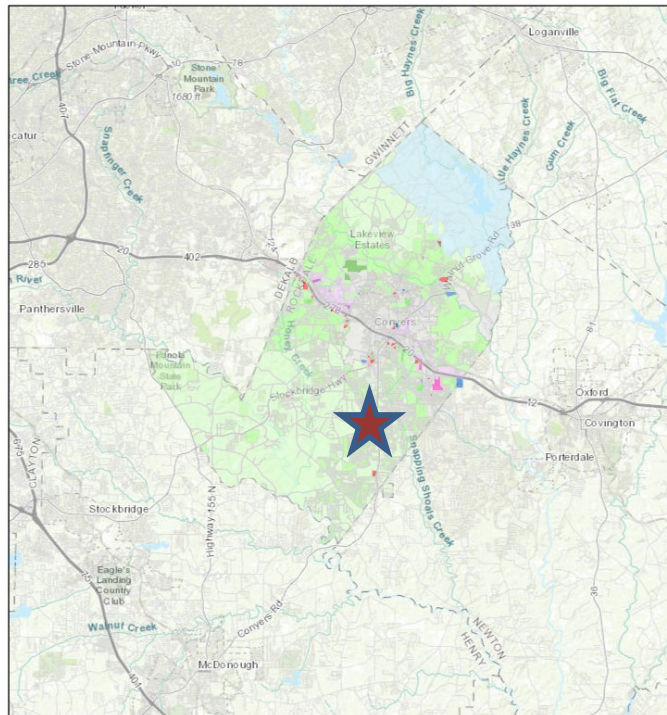
JENNIFER RUTLEDGE, INTERIM DIRECTOR
PHONE: (770) 278-7100
Planningandzoning@rockdalecountyga.gov

BOARD OF ADJUSTMENTS
ROCKDALE COUNTY PLANNING STAFF REPORT

Case Number: VAR2025-01
Address: 3500 SE Highway 20
Tax Parcel ID: 080C01001C
Site Area: 0.79 acres
Current Zoning: C-2 (General Commercial)
Existing Conditions: A gasoline station with convenience store and accessory car wash use
Request: A variance from Sec. 214-1 Table 1 to reduce the rear setback from 35 feet to 2 feet on 0.79 acres to accommodate a new C-Store in the rear corner of the property.
Applicant: Mike Horne / JPC Design and Construction LLC
Owner: William B. Jones

Staff Recommendation: Denial

BOA Hearing Date: February, 3rd, 2025



Zoning History

The subject site is located at 3500 SE GA Hwy 20. The property is zoned C-2 (General Commercial). The Future Land Use of the property is Commercial.

Existing Site Conditions

The subject site is a 0.79-acre property located to the southeast of the intersection of Honey Creek Road SE and GA Hwy 20 SE. Sidewalks are not present along the property's road frontages, with the minor exception of a strip of sidewalk at the intersection with an arc length of 100 feet. The topography of the property is generally flat. There are no streams or ponds present on the site. The majority of the property is impervious surface and is developed with a gasoline station with convenience store and accessory car wash use. The convenience store and car wash were constructed in 1987, per property records. The property is accessed by an ingress/egress driveway on to Honey Creek Road SE and has an ingress/egress driveway into the parking lot to the rear of the buildings.

Surrounding Use and Zoning

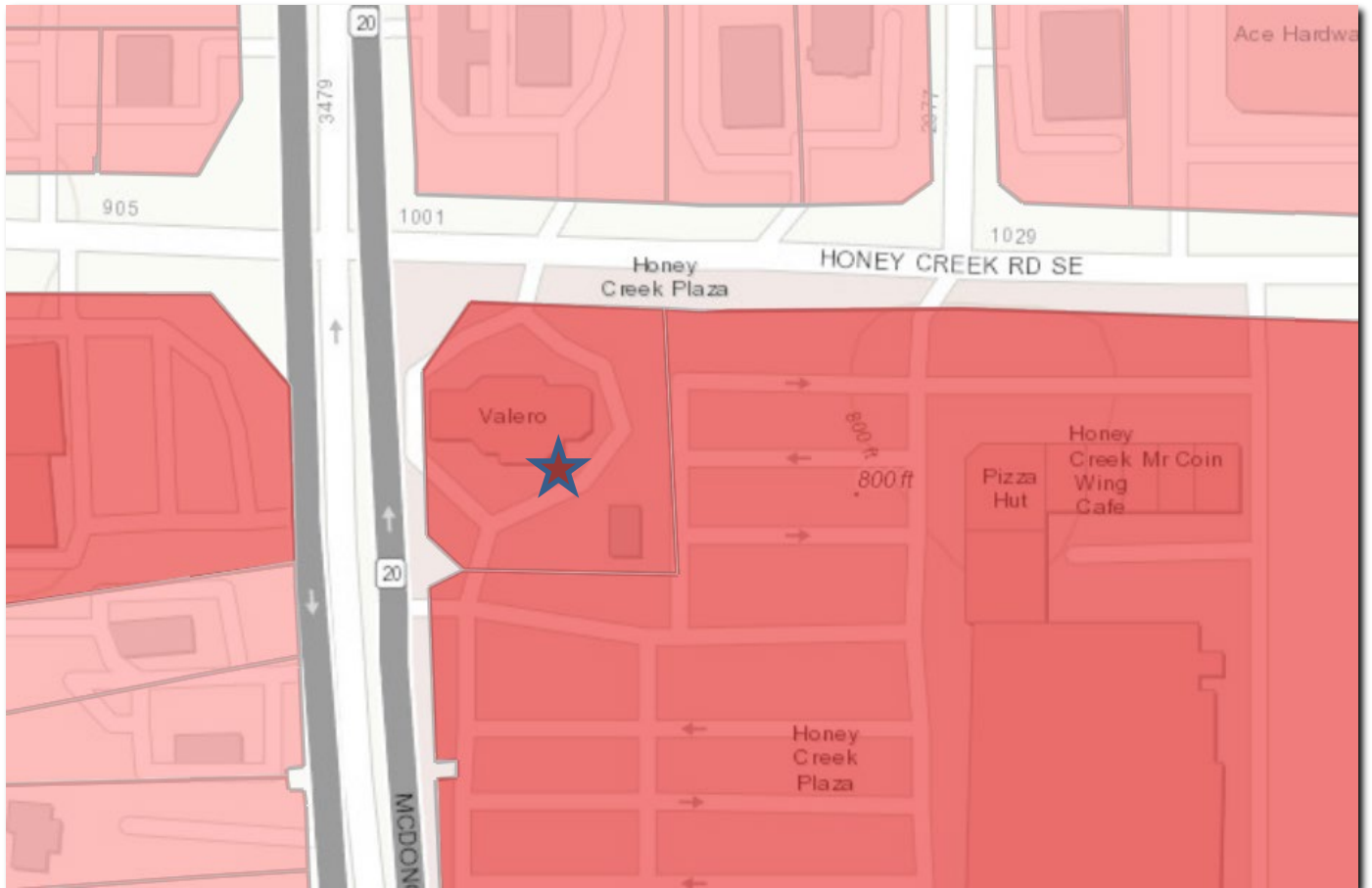
The subject site is adjacent to a shopping center's parking lot. The following is a summary of surrounding uses and zoning:

ADJACENT ZONING AND CURRENT LAND USE			
Direction	Address	Zoning District	Current Land Use
North	3490 SE Highway 20	C-1	Gasoline Station with Convenience Store and Self-Service Car Wash
West	3531 SE Highway 20	C-2	Gasoline Station with Convenience Store
South	3500 SE Highway 20	C-2	Shopping Center Parking Lot
East	3500 SE Highway 20	C-2	Shopping Center Parking Lot

AERIAL

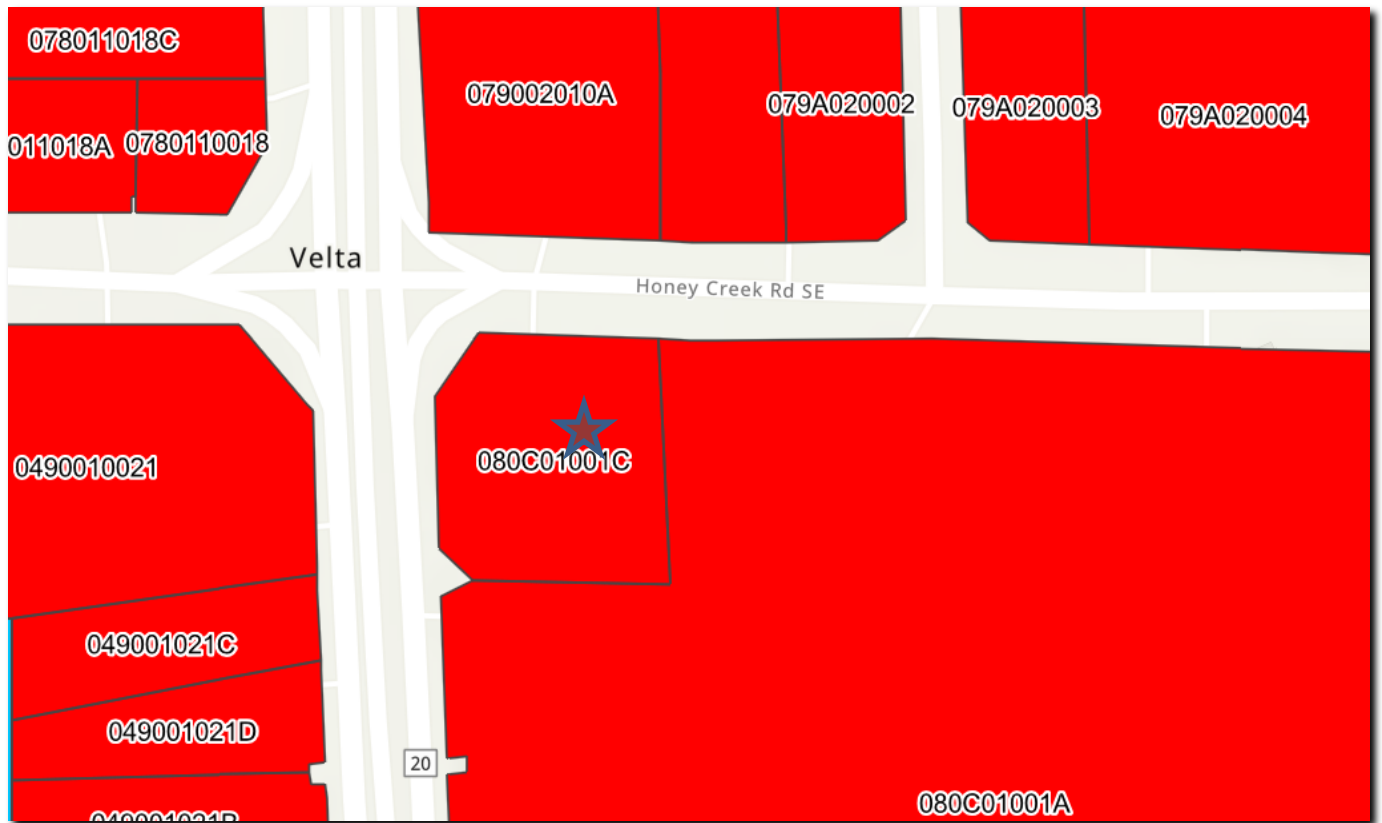


ZONING MAP



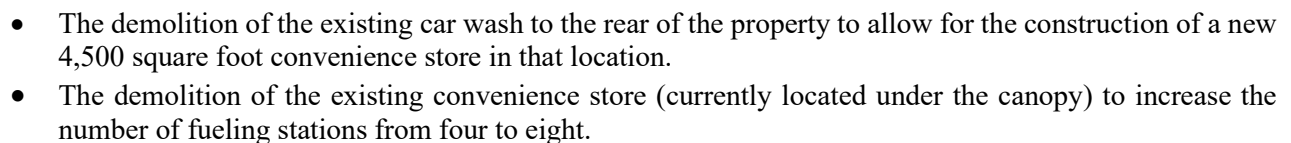
-  C1 - Local Commercial District
-  C2 - General Commercial District

FUTURE LAND USE MAP



Future Land Use





EVALUATION OF THE VARIANCE REQUEST

Sec. 238-9 (h) Standards for granting variances (1) Granting variances. The board of adjustment shall not grant a variance unless it has, in each case, make specific findings of fact based directly upon the evidence presented supporting written conclusions that the variance meets each of the following criteria:

A. Arises from a condition that is unique and peculiar to the land, structures and buildings involved.

The existing gasoline station with convenience store is developed on a 0.79-acre size parcel; however, this size parcel is not unusual at this intersection. The gasoline stations to the north and west are developed with four fueling stations on 0.91 acres and five fueling stations on 1.69 acres, respectively.

B. Is necessary because the physical surroundings, the size, shape or topographical condition of the specific property involved would result in unnecessary hardship for the owner, lessee or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced.

The property is 0.79 acres, square shaped, and with frontages on Honey Creek Road SE and GA Highway 20 SE. The property is not unusually shaped and does not have any significant topographical challenges.

C. The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.

The C-2 (General Commercial) zoning district requires a minimum 35-foot rear setback. The request for relief from Sec. 214-1 Table 1 can be found in properties of any zoning district, whether residential, commercial, or industrial.

D. The condition is created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant.

The condition is created by action of the applicant, as the applicant is intending on constructing a new convenience store and doubling the number of existing fueling stations, while leaving the existing gas canopy the same. However, the applicant may want to rearrange the site plan to determine if a new c-store of the same size can be placed on the site without having to encroach into the rear setback. The gas canopy may also need to be reconstructed. For staff to recommend approval, more iterations of the site plan should be presented that demonstrate a need for the encroachment and a topographical hardship, or hardship that are imposed by the size, shape, or surroundings of the property.

E. The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.

The granting of the requested variance would not impair or injure other property or improvements. The subject property is adjacent to a shopping center parking lot to the east and south. The accessibility and usability of this parking lot would not be impacted by the variance request.

F. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structures.

The applicant is requesting a variance that would make reasonable use of the land; however, there may be a more reasonable site layout that would not necessitate a variance request.

G. The variance desired will not be opposed to the general spirit and intent of Title 2 of the UDO or the purpose and intent of the comprehensive plan.

The desired variance is opposed to UDO Sec. 214-1 Table 1 which requires that buildings in the C-2 Zoning District conform to a 35-foot rear setback. This setback requirement is to allow for a uniform look in the C-2 Zoning District and to ensure that buildings are constructed well within the bounds of the property.

PLANNING & DEVELOPMENT STAFF RECOMMENDATIONS

Staff recommend **Denial** of the variance request from Sec. 214-1 Table 1 to reduce the rear yard setback from 35 feet to 2 feet on 0.79 acres to accommodate a new C-Store in the rear corner of the property.